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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,530	12/28/2000	Denis Khoo	40015980-0007	6669

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EXAMINER

SALCE, JASON P

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 02/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/750,530

Applicant(s)

KHOO ET AL.

Examiner

Jason P Salce

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-62 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20, 22-39 and 41-62 is/are rejected.
- 7) ☒ Claim(s) 21 and 40 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 0200 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 625. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 9-12, 17-19, 22-30, 32, 37-38 and 41-47, 52-53, 59-62 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Candelore (U.S. Patent No. 6,057,872).

Referring to claim 1, Candelore discloses providing the motion picture content and a reward engine (see Claim 1 of Candelore). Candelore also discloses transmitting the motion picture content over the data network (see Claim 1 of Candelore) to a content display device (see element 160, 170 and 180 in Figure 1) the content display

device having information for identifying a viewer of the motion picture content (Column 5, Lines 49-53).

Candelore also discloses displaying the motion picture content for a display period (Column 6, Lines 35-36).

Candelore also discloses transmitting over the data network, to the reward engine, a display verification data verifying that the motion picture content has been displayed by the content display device for the display period (Column 6, Lines 45-58), and providing the reward to the viewer for displaying the motion picture content (Column 5, Lines 56-63).

Candelore also discloses providing the reward to the viewer for displaying the motion picture content (Column 5, Lines 56-63).

Referring to claim 2, Candelore discloses providing a motion picture advertisement (Column 6, Lines 51-55).

Referring to claim 3, Candelore also discloses providing a movie (Column 8, Lines 33-38).

Referring to claim 9, Candelore discloses providing a content storage device, the content storage device containing the motion picture content (Column 7, Lines 23-27).

Candelore also discloses requesting over the data network, by the content display device (Column 10, Lines 18-31), the motion picture content from a content providing server (see element 130 (controller) in Figure 1), the content providing server being in communication with the content storage device (see element 140 in Figure 1 and Column 7, Lines 23-27).

Candelore also discloses retrieving, from the content storage device, by the content providing server (Column 7, Lines 31-33), the motion picture content requested (Column 3, Lines 9-17).

Candelore also discloses transmitting the motion picture content to the content display device (element 120 in Figure 1), the motion picture content being transmitted from the content storage device, to the content providing server (Column 6, Lines 17-21 and element 120 and 140 in Figure 1) and then to the content display device through the data network (element 170 in Figure 1).

Referring to claim 10, Candelore discloses transmitting the information to the content providing server (Column 7, Lines 31-33) in the step of requesting the motion picture content from the content providing server (Column 3, Lines 9-17), and storing the information in a viewer information database (element 125 in Figure 1), the viewer information database being in communication with the content providing server (element 120 in Figure 1).

Referring to claim 11, Candelore discloses that the content display device requests the motion picture content based on a demographic of the viewer (Column 17, Lines 65-67 and Lines 1-2).

Referring to claim 12, Candelore discloses displaying the motion picture content on an intelligent television (element 180 in Figure 1).

Referring to claim 17, Candelore discloses displaying the motion picture content for the display period, the display period being a period of time to display a portion of the motion picture content (Column 6, Lines 35-36).

Referring to claim 18, see rejection of claim 17.

Referring to claim 19, Candelore discloses providing the reward engine in the communication with content service provider (elements 120 and 135 in Figure 1).

Candelore discloses identifying, to the reward engine through the display verification data, the motion picture content being displayed (Column 6, Lines 35-36).

Candelore discloses identifying, to the reward engine through the display verification data, the viewer information to identify the content display device displaying the motion picture content (Column 5, Lines 49-53 and Column 6, lines 38-41).

Referring to claim 22, Candelore discloses providing a monetary award to the viewer (Column 9, Lines 7-14).

Referring to claim 23, Candelore discloses providing the viewer a product being displayed in the motion picture content (see providing a pay per view movie in Figure 4).

Referring to claim 24, Candelore discloses providing the viewer a service being displayed in the motion picture content (see pay per view service in Figure 4).

Referring to claim 25, see rejection of claim 1. The examiner notes that motion picture content contains audio and video.

Referring to claim 26, see rejection of claim 2.

Referring to claim 27, see rejection of claim 9.

Referring to claim 28, see rejection of claim 10.

Referring to claims 29 and 30, see rejection of claim 11.

Referring to claim 32, Candelore discloses transmitting the audio content on a television (see element 180 in Figure 1).

Referring to claim 37, see rejection of claim 17.

Referring to claim 38, see rejection of claim 19.

Referring to claims 41-43, see rejection of claims 22-24, respectively.

Referring to claim 44, see rejection of claims 1 and 9.

Referring to claim 45, Candelore discloses that the content display device requests the motion picture content based on a viewing habit of the viewer (Column 2, Lines 55-61).

Referring to claims 46-47, see rejection of claims 11-12, respectively.

Referring to claim 52, see rejection of claim 44.

Referring to claim 53, see rejection of claim 2.

Referring to claims 59-62, see rejection of claim 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-8, 13-16, 20, 31, 33-36, 39, 48-51, and 54-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Candelore (U.S. Patent No. 6,057,872) in view of Official Notice.

Referring to claims 4-8, the applicant discloses specific video programming to a user requesting video content. The examiner takes Official Notice that it would have been obvious to provide the user with a sporting event, situation comedy, drama series,

news event, or miniseries for the purpose of offering the user a wide variety of programs to discourage loss of interest when viewing video programming.

Referring to claims 13-16, the applicant discloses specific display apparatuses for displaying the motion picture content. The examiner takes Official Notice that it would have been obvious to provide a computer monitor, PDA, cellular phone or liquid crystal display for the purpose of providing a cost effective or portable solution for displaying motion picture content.

Referring to claim 20, the applicant discloses entering the viewer into a sweepstakes. Candalore discloses a report back function, but fails to teach using this report back data to enter the user in a sweepstakes. The examiner takes Official Notice that it would have been obvious to enter a user in a sweepstakes using this report back data for the purpose of providing vendors with more detailed information and allowing users the opportunity to win prizes.

Referring to claim 31, the applicant discloses transmitting the audio content no a radio. The examiner takes Official Notice that it would have been obvious to provide audio content on a radio for the purpose of providing radio stations to a user as well as motion picture content.

Referring to claims 33-36, see rejection of claims 13-16.

Referring to claim 39, see rejection of claim 20.

Referring to claims 48-51, see rejection of claims 13-16, respectively.

Referring to claims 54-58, see rejection of claims 4-8, respectively.

Allowable Subject Matter

Claims 21 and 40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Narasimhan et al. (U.S. Patent No. 6,237,145) discloses a system for accessing promotion information and generating redeemable coupons.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P Salce whose telephone number is (703) 305-1824. The examiner can normally be reached on M-Th 8am-6pm (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-5359 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-9048.

January 27, 2003


CHRIS GRANT
PRIMARY EXAMINER

Application/Control Number: 09/750,530

Art Unit: 2611

Page 9